

BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

REGULAR MEETING AGENDA

NOVEMBER 19, 2008

ROLL CALL_____

PRAYER_____

**APPROVAL OF THE MINUTES OF THE
REGULAR MEETING OF NOVEMBER 5, 2008**_____

**ITEMS NOT ON THE AGENDA –
SUSPENSION OF THE RULES**_____

**PUBLIC COMMENT ON ANY
PUBLIC MATTER NOT ON THE AGENDA**_____

CHIEF EXECUTIVE’S REPORT_____

SECTION I PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS FOR REDEVELOPMENT
OF CO-OWNED PROPERTY IN THE 400 BLOCK OF E. PARK STREET.
(Communication No. 08-702 being held in Committee of the Whole). Proof of publication

SECTION II PUBLIC HEARING

FOR THE PURPOSE TO SOLICIT COMMENTS FOR REDEVELOPMENT
OF CO-OWNED PROPERTY LOCATED IN THE 100 BLOCK OF
CALEDONIA STREET. (Communication No. 08-703 being held in Committee of the
Whole) Proof of publication

SECTION III PRESENTATION COMMUNICATION NO. 08-758

Dan Dennehy, Interim Public Works Director, requesting time on 11/19/08
agenda to present the water system Master Plan.

SECTION IV

CONSENT AGENDA

- A. 1. COMMITTEE OF THE WHOLE MEETING REPORT
- 2. FINANCE AND BUDGET COMMITTEE MEETING REPORT
- 3. JUDICIARY COMMITTEE MEETING REPORT
- 4. PUBLIC WORKS COMMITTEE MEETING REPORT

B. COMMUNICATIONS

- 1. 08-749 Karen Byrnes, Community Development Director, requesting permission to submit a grant request to Montanan Department of Commerce Big Sky Economic Development Trust Fund and authorization for Chief Executive to sign application. **Recommendation: concur and place on file.**
- 2. 08-751 Kristen Rosa, TIFID Administrator, requesting authorization for Chief Executive to sign contract amendment with HKM Engineering for engineering services associated with TIFID #2 Wastewater Collections and Conveyance System Project. **Recommendation: concur and place on file.**
- 3. 08-753 Sharon Crase, Public Works Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee**
- 4. 08-754 Lori Maloney, Clerk of District Court, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 5. 08-756 Bob Rowling, Public Works Department, requesting approval of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 6. 08-757 Karen Byrnes, Community Development Department, requesting authorization for Chief Executive to enter into Homeowner Deferred Repayment Assistance Agreement and The Housing Rehabilitation Line Agreement. **Recommendation: concur and place on file.**
- 7. 08-758 Robert A. Macioroski, Director Land Officer, requesting authorization for Chief Executive to enter into contract with DLT Solutions. **Recommendation: concur and place on file.**
- 8. 08-759 Robert A. Macioroski, Director Land Office, requesting authorization for Chief Executive to enter into contract with DLT Solutions. **Recommendation: concur and place on file.**

9. 08-760 Joe Lee, Commissioner District 2, requesting concurrence with allocation of Economic Development Funds for 2008 – 2009. **Recommendation: concur and place on file**
10. 08-761 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to enter into change order No. 3 for the CDBG Butte Emergency Food Bank Rehab Project. **Recommendation: concur and place on file**
11. 08-762 Jeff Amerman, Finance and Budget Director, requesting authorization for Chief Executive to sign 3-year engagement letter with Newland and Co. for services related to audit of the Butte-Silver Bow Water Utility Division. **Recommendation: Concur and place on file.**
12. 08-763 Jeff Amerman, Finance and Budget Director, requesting authorization for Chief Executive to sign 3-year engagement letter with Newland and Company for services related to audit of the financial statements of Butte-Silver Bow. **Recommendation: concur and place on file.**
13. 08-764 John Walsh, Sheriff, time on 12/17/08 agenda to conduct a public hearing for unanticipated revenue from the Housing Authority. **Recommendation: schedule public hearing for 12/17/08 and hold in Committee of the Whole.**
14. 08-765 Tim Clark, Personnel Director, requesting council approve the decision to go forward with the legal action retroactive to the date the lawsuit was filed against Gary Lean. **Recommendation: concur and place on file.**
15. 08-766 Rick Larson, Director of Public Health, requesting authorization for Chief Executive to sign six (6) contracts with BSB Health Department and private entities. **Recommendation: concur and place on file.**
16. 08-769 Paul Babb, Chief Executive, requesting concurrence in reappointment of Mike Thatcher to the URA Board. **Recommendation: concur and place on file.**
17. 08-768 Paul Babb, Chief Executive, requesting authorization for Chief Executive to sign contract amendment with HKM Engineering Services associate with TIFID #2 Wastewater Collections and Conveyance System Project. **Recommendation: concur and place on file.**

18. 08-769 Liz Smith, Chairperson, Montana Sled Dog, Inc., requesting time on the agenda 11/19/08 for a presentation about the 24th Annual Race to the Sky Sled Dog Event scheduled for 2/12/09
Recommendation: hold in Committee of the Whole for Approval by Public Works, Fire and LED Departments.
19. 08-770 Paul Babb, Chief Executive, requesting concurrence to authorize authorize Butte-Silver Bow to enter into a lease between Silver Bow Property Management and City-County of Butte-Silver Bow.
Recommendation: concur and place on file.
20. 08-771 Stephen D. Hess, Assistant Planning Director, recommending the council to adopt Resolution No. 08-96 approving growth policy amendment No. 27. **Recommendation: hold in Committee of the Whole pending advancement of Resolution.**
21. 08-772 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to sign contract amendment with Pioneer Technical Services. **Recommendation: concur and place on file.**
22. 08-773 John M. Moodry, Weed Department, requesting time on 12/17/08 agenda to make a presentation with results from our first year's implementation of Ordinance No.196 in Butte-Silver Bow.
Recommendation: schedule presentation and hold in Committee of the Whole.

SECTION V COMMUNICATIONS TO BE READ AND ACTED UPON

1. 08-755 Paul Babb, Chief Executive, requesting time on the agenda for the appointment of Chad Silk as a Probationary Entry Level Firefighter.

SECTION VI ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL RESOLUTION NO. 08-95

A RESOLUTION AMENDING THE BUDGET DURING THE FISCAL YEAR AFTER CONDUCTING A PUBLIC HEARING AT A REGULARLY SCHEDULED MEETING OF THE COUNCIL IN ACCORDANCE WITH SECTION 7-6-4006, MCA; APPROPRIATING UNANTICIPATED REVENUE TO THE BUTTE-SILVER BOW COMMUNITY DEVELOPMENT DEPARTMENT FROM THE MONTANA DEPARTMENT OF COMMERCE TO BE EXPENDED IN THE COMMUNITY DEVELOPMENT FUND FOR

THE PURPOSE OF A PLANNING GRANT TO BE USED FOR THE COMPLETION OF A PRELIMINARY ARCHITECTURAL REPORT FOR THE HOMEWARD BOUND FACILITY AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL RESOLUTION NO. 08-96

A RESOLUTION APPROVING GROWTH POLICY AMENDMENT NO. 27 TO THE 1987 BUTTE-SILVER BOW GROWTH POLICY AND APPROVING CHANGES TO THE LAND USE MAP OF THE 1987 BUTTE-SILVER BOW GROWTH POLICY; INCORPORATING, BY REFERENCE, THE TEXT OF THE AMENDMENTS AND THE CHANGES TO THE MAP AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**SECTION VII ORDINANCES AND RESOLUTIONS –
FOR FINAL READING**

**1. COUNCIL BILL NO. 08-7
ORDINANCE NO. 08-7**

AN ORDINANCE AMENDING SUBSECTION 9.01 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND CHAPTER 10.32 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “STOP SIGNS” AND SECTION 10.32.010(g), (m), (s) and (t) B-SB MC; PROVIDING THAT TRAFFIC PROCEEDING ALONG GALAXY DRIVE SHALL STOP BEFORE ENTERING THE INTERSECTION OF GALAXY DRIVE AND MILKY WAY; PROVIDING THAT TRAFFIC PROCEEDING ALONG GALAXY DRIVE SHALL STOP BEFORE ENTERING THE INTERSECTION OF GALAXY DRIVE AND MEADOWLARK LANE AND TRANQUILITY LANE, PROVIDING THAT TRAFFIC PROCEEDING ALONG MEADOWLARK LANE SHALL STOP BEFORE ENTERING THE INTERSECTION OF MEADOWLARK LANE AND GALAXY DRIVE; PROVIDING THAT TRAFFIC PROCEEDING ALONG STATE STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF STATE STREET AND SHERMAN STREET; PROVIDING THAT TRAFFIC PROCEEDING ALONG TRANQUILITY LANE SHALL STOP BEFORE ENTERING THE INTERSECTION OF TRANQUILITY LANE AND GALAXY DRIVE AND MEADOWLARK LANE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

**2. COUNCIL BILL NO. 08-8
ORDINANCE NO. 08-8**

AN ORDINANCE AMENDING SUBSECTION 9.03 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND CHAPTER 10.32 OF THE

BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED “STOP SIGNS” AND SECTION 10.32030(A) (b) (2), BSB MC; PROVIDING FOR DESIGNATION OF BLACKTAIL AS A THROUGH STREET FROM ITS INTERSECTION WITH ELIZABETH WARREN ON THE NORTH TO ITS INTERSECTION WITH MOUNT HIGHLAND DRIVE ON THE SOUTH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 08-92

A RESOLUTION ACCEPTING THE DONATION OF THE WEST 60 FEET OF LOTS NUMBERED TWO (2) AND THREE (3) IN BLOCK NUMBERED TWO OF THE WALKERVILLE TOWNSITE ADDITION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

1. COUNCIL RESOLUTION NO. 08-93

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE BUFFALO ESTATES SUBDIVISION – PHASE I THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN

SECTION CALENDAR OF OTHER MEETINGS AND EVENTS

Nov. 26	TIFID Board	11:30	Business Development Center
Nov. 26	Local Emergency Planning Committee	Noon	1 st Floor Conference Room
Nov. 26	Port of Montana	Noon	Hub Center
Nov. 26	Urban Revitalization	9AM	1 st Floor Conference Room
Nov. 27	Business Development Center	10AM	Business Development Center
Nov. 27	Planning Board	7PM	Council Chambers
Dec. 1	Airport Authority	Noon	Bert Mooney Airport
Dec. 2	Historic Preservation	5:30PM	1 st Floor Conference Room
Dec. 2	Weed Board	7PM	Weed Department
Dec. 3	Butte Aids Support Services	7PM	Community Center
Dec. 3	Health Department	7AM	Health Department
Dec. 4	Civic Center	5PM	Civic Center
Dec. 8	Archives	Noon	Archives Center
Dec. 10	Fair Board	5:30 PM	Business Development Center
Dec. 10	Fire Advisory Council	5PM	1 st Floor Conference Room
Dec. 10	Law Enforcement Commission	5PM	Chief Executive’s Conference Room
Dec. 10	Library	5PM	Library
Dec. 15	Airport Authority	Noon	Bert Mooney Airport
Dec. 16	Housing Authority	5:30PM	Silver Bow Homes Housing
Dec. 16	Parks and Recreation	4:15 PM	Civic Center Conference Room
Dec. 16	Technical Review Committee	1:30 PM	Water Co. Building
Dec. 17	Community Enrichment	10:00 AM	Health Department

Dec. 17	Local Emergency Planning Commission	Noon	1 st Floor Conference Room
Dec. 17	Parking Commission	3:30 PM	Chief Executive's Conference Room
Dec. 18	Zoning Board of Adjustment	5:30PM	Council Chambers

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recommends that Communication No. 08-702 be held in abeyance for public hearing.

SECTION VI

COMMUNICATION NO. 08-703

Rob Macioroski, Director Land Sales Office, requesting time o 11/19/08 agenda to conduct a public hearing for redevelopment of co-owned property located in 1100 block of Caledonia Street. **Committee recommends that Communication No. 08-703 be held in abeyance for public hearing.**

SECTION VII

COMMUNICATION NO. 08-710

Karen Byrnes, Director Community Development Department, requesting time on the 11/5/08 agenda to conduct a public hearing regarding the addition of unanticipated revenue to the 2008/2009 budget. **Committee recommends that Communication No. 08-710 be placed on file.**

SECTION VIII

COMMUNICATION NO. 08-722

Charlie O'Leary, Chairman Council of Commissioners, requesting examination of the ownership documents for the Storm Lake Dam Site. **Committee recommends that Communication No. 08-722 be held in abeyance.**

SECTION IX

COMMUNICATION NO. 08-732

Bob Rowling, Parks and Recreation Director, requesting concurrence in renewing contract with John DeWitt as manager of Highland View Golf Course Club House and requesting County Attorney draw up new contract. **Committee recommends that Communication No. 08-732 be held in abeyance pending submission of draft contract by County Attorney's office.**

SECTION X

COMMUNICATION NO. 08-733

Mollie A. Mafei, Deputy County Attorney, requesting concurrence in purchase of Parcel #1903255 in settlement of lawsuit with the James Company and Recommending Parks Department remove playground equipment as part of city-county's open space plan. **Committee recommends that Communication No. 08-733 be held in abeyance.**

SECTION XI

COMMUNICATION NO. 07-736

Roger Ebner, Disaster and Emergency Services, requesting approval to schedule a public hearing for 11/25/08 to consider amending 2008-2009 budget for unanticipated revenue for District Courts Security Project Grant. **Committee recommends that Communication No. 07-736 be held in abeyance for public hearing.**

SECTION XII

COMMUNICATION NO. 08-739

Brad Johnson, Speaker of the House, resignation of Representative Jim Keane, District 75 and requesting council meet to choose new representative. **Committee recommends that Communication No. 08-739 be held in abeyance.**

SECTION XIII

COMMUNICATION NO. 08-748

Bill Melvin, Civic Center Manager, requesting time on 11/25/08 to conduct a bid opening for energy conservation upgrade at Butte Civic Center. **Committee recommends that Communication No. 08-748 be held in abeyance for bid opening on 11/25/08.**

SECTION VI**COMMUNICATION NO. 08-737**

Robert M. McCarthy, County Attorney, requesting approval of line item budget transfers. **Committee recommends that Communication No. 08-737 be approved and placed on file.**

SECTION VII**COMMUNICATION NO. 08-745**

Lee Phillips, Library Director, requesting approval of line item budget transfers. **Committee recommends that Communication No. 08-745 be approved and placed on file.**

SECTION VIII**EXPENDITURE APPROVAL**

11/5/08	\$741,186.36
11/12/08	\$310,257.45

Committee approved the above expenditures.

JUDICIARY COMMITTEE MEETING REPORT

NOVEMBER 12, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Gentlemen and Ms. Shaw:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I

Micheline Boysza, VP Highland View Golf Club, requesting council consider an application for a golf course beer and wine license. **Committee recommends that Communication No. 08-721 be held in abeyance.**

SECTION II **COMMUNICATION NO. 08-690**

Arthur "Tudo" Stagnoli, requesting permission to lift the 5-year limit on selling property purchased under adjacent landowner policy. **Committee recommends that Communication No. 08-690 be held in abeyance.**

SECTION III COMMUNICATION NO. 08-707

Barb Skelton, requesting authorization for Chief Executive to sign authorization calling for an improved national energy policy for the 21st Century. **Committee recommends that Communication No. 08-707 be held in abeyance.**

SECTION IV

**COUNCIL BILL NO. 08-7
ORDINANCE NO. 08**

AN ORDINANCE AMENDING SUBSECTION 9.01 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND CHAPTER 10.32 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "STOP SIGNS" AND SECTION 10.32.010(g), (m), (s) and (t) B-SB MC; PROVIDING THAT TRAFFIC PROCEEDING ALONG GALAXY DRIVE SHALL STOP BEFORE ENTERING THE INTERSECTION OF GALAXY DRIVE AND MILKY WAY; PROVIDING THAT TRAFFIC PROCEEDING ALONG GALAXY DRIVE SHALL STOP BEFORE ENTERING THE INTERSECTION OF GALAXY DRIVE AND MEADOWLARK LANE AND TRANQUILITY LANE, PROVIDING THAT TRAFFIC PROCEEDING ALONG MEADOWLARK LANE SHALL STOP BEFORE ENTERING THE INTERSECTION OF MEADOWLARK LANE AND GALAXY DRIVE;

PROVIDING THAT TRAFFIC PROCEEDING ALONG STATE STREET SHALL STOP BEFORE ENTERING THE INTERSECTION OF STATE STREET AND SHERMAN STREET; PROVIDING THAT TRAFFIC PROCEEDING ALONG TRANQUILITY LANE SHALL STOP BEFORE ENTERING THE INTERSECTION OF TRANQUILITY LANE AND GALAXY DRIVE AND MEADOWLARK LANE AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **Committee recommends that Council Bill No. 08-7, Ordinance No. 08-7 be placed on final reading and passed.**

SECTION V

COUNCIL BILL NO. 08-8 ORDINANCE NO.

AN ORDINANCE AMENDING SUBSECTION 9.03 OF SECTION 4 OF BUTTE-SILVER BOW ORDINANCE NO. 204 AND CHAPTER 10.32 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED "STOP SIGNS" AND SECTION 10.32030(A) (b) (2), BSB MC; PROVIDING FOR DESIGNATION OF BLACKTAIL AS A THROUGH STREET FROM ITS INTERSECTION WITH ELIZABETH WARREN ON THE NORTH TO ITS INTERSECTION WITH MOUNT HIGHLAND DRIVE ON THE SOUTH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **Committee recommends that Council Bill No. 08-8 be placed on second reading and passed.**

SECTION VI

COUNCIL RESOLUTION NO. 08-92

A RESOLUTION ACCEPTING THE DONATION OF THE WEST 60 FEET OF LOTS NUMBERED TWO (2) AND THREE (3) IN BLOCK NUMBERED TWO OF THE WALKERVILLE TOWNSITE ADDITION TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **Committee recommends that Council Resolution No. 08-92 be placed on final reading and passed.**

SECTION VII

COUNCIL RESOLUTION NO. 08-93

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE BUFFALO ESTATES SUBDIVISION – PHASE I THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. **Committee recommends that Council Resolution No. 08-93 be placed on final reading and passed.**

SECTION VIII

CLAIM APPROVAL

3855 Joe Nistler

\$1,000.00 Street opening bond refund

3856	Martin Contracting	\$2,000.00	Demo bond refund
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Committee approves claims as above.

PUBLIC WORKS COMMITTEE MEETING REPORT NOVEMBER 12, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Gentlemen and Ms. Shaw:

We, your Public Works Committee, respectfully recommend as follows:

SECTION I PETITION NO. 08-9

John Harrington, Building Official, requesting on behalf of 4 S LLC to close and vacate a portion of the alley within Block 1 of the Trask Addition.
Committee recommends that Petition 08-09 be held in abeyance.

SECTION II PETITION NO. 08-13

John Harrington, Building Official, requesting on behalf of Galena Street, LLC to close and vacate an undeveloped portion of East Galena Street and the alley between Ohio and Oklahoma Streets in Block 3, Yellow Jack Lode. **Committee recommends that a public hearing be scheduled and hold in abeyance.**

SECTION III COMMUNICATION NO. 08-147

Wally Frasz, Commissioner District #6, requesting a traffic study be done where Rowe Road turns into Holmes Avenue and also the intersection of Lexington and Rowe Road. **Committee recommends that Communication No. 08-147 be held in abeyance.**

SECTION IV COMMUNICATION NO. 08-537

Robert A. Macioroski, Director, regarding request for power line easement from Northwestern Energy. **Committee recommends that Communication No. 08-537 be held in abeyance.**

SECTION V COMMUNICATION NO. 08-601

Glen Granger, Commissioner District 1, requesting three traffic studies be conducted on the intersections of Tranquility, Meadowlark and Green Lane and Holly Lane and Blacktail Lane and Galaxy and Milky Way.

Committee recommends that Communication No. 08-601 be placed on file.

SECTION VI COMMUNICATION NO. 08-634

Tony Schoonen, Chairman Homeowners Association, requesting Council designate the Dawson Loop Road as a public right of way. **Committee recommends that Communication No. 08-634 be held in abeyance.**

SECTION VII COMMUNICATION NO. 08-636

Joe Lee, Communication District #2, requesting traffic study/intersection of State and Sherman Streets. **Committee recommends that Communication No. 08-636 be placed on file.**

SECTION VIII COMMUNICATION NO. 08-694

Martyn Salusso and Floyd Bossard, requesting permission to close gate ½ mile West of Excelsior and Centennial Junction during day hours for safety reasons and during night for security reasons and requesting time on 10/22/08 agenda to describe project and respond to questions. **Committee recommends that Communication No. 08-694 be held in abeyance.**

SECTION IX COMMUNICATION NO. 08-725

John P. Walsh, Sheriff, requesting waiver of sick leave grant requirement and approval to utilize the 160 hours of donated time to Peggy Leary. **Committee recommends that Communication No. 08-725 be placed on file.**

SECTION X COMMUNICATION NO. 08-738

Greg and Brenda Ebner, requesting Beef Trail Road and Little Basin Creek Road be striped and revised for better visibility and also speed limit signage be posted on both roads. **Committee recommends that Communication No. 08-738 be held in abeyance and request Robert Macioroski to report to Dan Dennehy concerning road and request County Attorney to amend traffic ordinance with Mr. Dennehy with speed limit recommendations**

SECTION XI COMMUNICATION NO. 08-747

Cindi Shaw, Commissioner District 11, regarding request for review of traffic concerns – Caledonia street to Western Street. **Committee recommends that Communication No. 08-747 be held in abeyance.**

